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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/548,314	09/07/2005	Ernst Faber	FABER S 12 PCT	6122
25889	7590	12/18/2006	EXAMINER	EVANISKO, LESLIE J
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/548,314	FABER, ERNST	
	Examiner	Art Unit Leslie J. Evanisko	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 September 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/07/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: The specification lacks the appropriate section headings as set forth in MPEP 608.01(a) and 37 CFR 1.77(c).

Appropriate correction and/or clarification is required.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. The abstract of the disclosure is objected to because the abstract uses the language "The invention relates to" in line 1 which is language that should be avoided in an abstract. Correction is required. See MPEP § 608.01(b).

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should **avoid using phrases which can be implied**, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

6. Claims 1-22 are objected to because of the following informalities:

With respect to claim 1, the scope of claim 1 is somewhat confusing as to whether the claim is directed to the combination of the self-inking stamp with an ink pad container or just the self-inking stamp per se. As currently written, claim 1 appears to be drawn to just the stamp with a housing with an insertion opening for an ink pad container and therefore the ink pad container does not appear to be part of the claimed combination. However, claims 4-6 and 11-13 recite only further details of the ink pad container and thus make it appear that the ink pad container was intended to be part of the claimed combination. Therefore, it is unclear what the exact scope of claim 1 is intended to be. In an effort to advance prosecution of the application, the Examiner has assumed that applicant intends for the ink pad container to be part of the claimed combination of claim 1 and has examined the claims with respect to the prior art accordingly. However, in response to this Office Action, applicant is required to state on

the record what his/her intentions are with respect to the scope of claim 1 and to amend the claims as necessary to reflect this intention.

Additionally, with respect to claim 1, it is suggested that the term "its" in line 6 be deleted and replaced with the actual structure to which "its" is referring. Additionally, in line 8, it is suggested that the term "latter" be deleted and replaced with --stamp characters-- to insure the claim language is clear. Finally, it is suggested that the term --ink pad-- be inserted before "container" in line 9 to insure consistent terminology is used throughout the claims.

With respect to claim 5, the terms "that rim" in line 2 and "the lower rim" in line 3 have no proper antecedent basis.

With respect to claim 6, the term "the side walls" in line 4 has no proper antecedent basis since no side walls of the ink pad container were previously recited in the parent claim.

With respect to claim 11, line 3 contains occurrences of the word "its" and it is suggested that those occurrences be deleted and replaced with the structure to which "its" is referring so that the claim language is clear and accurate.

With respect to claims 13 and 21, the term "the groove depression" has no proper antecedent basis since the term "groove depression" was not previously recited in the claims.

With respect to claim 17, it is suggested that the term --lateral-- be inserted before "recesses" in line 2 to insure consistent terminology is used throughout the claims. Note a similar change should also be made to line 2 of claim 18. Additionally in claim 17, the term "the rim" in line 2 has no proper antecedent basis. Finally, in lines 2-

3 of claim 17, it is suggested that the phrase --two opposite-- be inserted before "side walls" to use consistent terminology throughout the claims. Note a similar change should be made to the term "side walls" in line 5 of claim 18.

Appropriate correction and/or clarification is required.

7. Claims 16-22 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 16-22 are not proper dependent claims since these claims do not require every limitation of the claim on which these claims depend. In particular, it is noted that claim 1 appears to be directed to the combination of a self-inking stamp with an ink pad container while claim 16 is directed to the ink pad container alone. Attention is invited to MPEP 608.01(n) (II) & (III).

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Regarding claims 10 and 11, the phrases “e.g.” (claim 10) and “for instance” (claim 11) render each of the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Rushworth (US 1,085,489). Rushworth teaches a self-inking stamp with upper inking, comprising a housing (A) in which a stamp unit (D) which is coupled with an actuating part (i.e., handle) and includes stamp characters is movably arranged and which has an insertion compartment with at least one insertion opening for an ink pad container (B), the insertion compartment having an opening at its lower side facing the stamp unit for inking of the stamp characters, when the stamp characters are in their upper, turned position, by contacting the ink pad in the ink pad container, wherein guiding and centering projections (a) are provided for the ink pad container (B) which are arranged on two opposite sides of the insertion compartment in the direction of insertion. See Figures 1 and 6 and lines 34-79 of Rushworth in particular.

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With respect to claim 2, Rushworth teaches the guiding and centering projections (a) are formed by ledges extending in the direction of insertion, as shown in Figures 4 and 6.

With respect to claim 3, note the ledges of Rushworth are substantially rectangular as seen in the front view shown in Figure 6.

13. Claims 1-3 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryer (US 454,499). Ryer teaches a self-inking stamp with upper inking, comprising a housing 1 in which a stamp unit 3 which is coupled with an actuating part (i.e., handle, 2) and includes stamp characters is movably arranged and which has an insertion compartment with at least one insertion opening for an ink pad container 6, 7, the insertion compartment having an opening at its lower side facing the stamp unit for inking of the stamp characters, when the stamp characters are in their upper, turned position, by contacting the ink pad in the ink pad container, wherein guiding and centering projections formed by “substantially rectangular” ledges 10 are arranged on opposite sides of the insertion compartment and extend in the direction of insertion.

With respect to claim 7, Ryer teach at least one resilient retention element 11 is arranged in the insertion compartment for resilient abutment on the ink pad container. See Figures 1-2 and 11 and page 2, lines 73-83 in particular.

With respect to claim 8, note Ryer teaches the resilient retention element 11 is arranged on the upper side of the compartment locate opposite the opening provided on the lower side of the insertion compartment, as shown in Figure 2 and described on page 2, lines 75-79.

14. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Pichler et al. (WO 01/85462). Since WO 01/85462 is not in the English language, note the examiner has relied upon the corresponding equivalent U.S. Patent 6,797,230 B2 which is in the English language for the specific nature of what Pichler et al. teaches in the PCT document. Therefore, the specific references to columns and lines of Pichler et al. set forth in the rejection below are with respect to the corresponding US Patent document.

Pichler et al. teach a self-inking stamp with upper inking, comprising a housing 1 in which a stamp unit which is coupled with an actuating part 6 and includes stamp characters is movably arranged and which has an insertion compartment 8 with at least one insertion opening for an ink pad container 3, the insertion compartment having an opening at its lower side facing the stamp unit for inking of the stamp characters, when the stamp characters are in their upper, turned position, by contacting the ink pad in the ink pad container, wherein guiding and centering projections 9 are provided for the ink pad container which are arranged on two opposite sides of the insertion compartment in the direction of insertion. See Figures 1-5 and column 2, lines 12-19 of Pichler et al.

With respect to claim 2, Pichler et al. teach the guiding and centering projections 9 are formed by ledges extending in the direction of insertion.

With respect to claim 4, Pichler et al. teach the ink pad container 3 has recesses 7 cooperating with the guiding and centering projections as shown in Figure 2.

15. Claims 1-4, 7-12, 14, 16-17, 19-20, and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Zindl et al. (WO 03/099572). Again note that since WO 03/099572 is not in the English language, the Examiner has referenced the corresponding U.S. Patent 7,069,852 B2 which is in the English language for the specific nature of what Zindl et al. teach in the PCT document. The specific references to the various columns and lines of Zindl et al. set forth in the below rejection are made with respect to the U.S. Patent document.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Zindl et al. teach a self-inking stamp 1 with upper inking, comprising a housing 20 in which a stamp unit 7 which is coupled with an actuating part 9 and includes stamp characters is movably arranged and which has an insertion compartment with at least one insertion opening for an ink pad container 5, the insertion compartment 20 having an opening at its lower side facing the stamp unit for inking of the stamp characters, when the stamp characters are in their upper, turned position, by contacting the ink pad in the ink pad container, wherein guiding and centering projections 29, 30 are provided for the ink pad container which are arranged on two opposite sides of the insertion compartment in the direction of insertion. See, for example, Figures 3-5 and 16.

With respect to claims 2-3, Zindl et al. teach the guiding and centering projections 30, 36 are formed by substantially rectangular ledges (as seen in the front view) extending in the direction of insertion as shown in Figure 16.

With respect to claim 4, Zindl et al. teach the ink pad container 5 has recesses 37 cooperating with the guiding and centering projections.

With respect to claim 7, Zindl et al. teach at least one resilient retention element is arranged in the insertion compartment for resilient abutment on the ink pad container.

With respect to claim 8, Zindl et al. teach the resilient retention element 36 is arranged on the upper side of the compartment located opposite the opening provided on the lower side of the insertion compartment as shown in Figures 3 and 16.

With respect to claims 9-10, note the resilient retention element of Zindl et al. may be designed as a knob-shaped snap-in projection, as discussed in column 8, lines 58-67, column 9, lines 45-57 and column 10, lines 19-37.

With respect to claims 11-12 and 19-20, note Zindl et al. teach the ink pad container includes a depression 37, 67 in the shape of a groove provided in its bottom area (in the inserted state) for snapping engagement with the resilient retention element, as shown in Figures 3 and 16.

With respect to claim 14, note Zindl et al. teach two resilient retention elements as recited.

With respect to claims 16-17, note Zindl et al. teach an ink pad container 5 for use with a self-inking stamp 1 that comprises a bottom and walls projecting away therefrom, wherein lateral recesses 37 are provided on the rim of two opposite side walls that faces away from the bottom and are adapted to cooperate with guiding and centering projections in the insertion compartment, as shown in Figure 4.

With respect to claim 22, note the depression of Zindl et al. can be considered to be "centrally" located in the bottom as broadly recited.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 9-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryer (US 454,499) in view of Humphries (US 2,314,828). Ryer teaches a self-inking stamp as recited with the possible exception of the resilient retention element being designed as a snap-in element. However, Humphries teaches a self-inking stamp including at least one resilient retention element designed as a knob-shaped snap-in projection for resiliently holding the ink pad container in the stamp housing. See page 3, lines 54-71 in the left-hand column and Figures 10 and 13 of Humphries. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the resilient retention element of Ryer to be a knob-shaped snap-in projection as taught by Humphries as it would simply require the obvious substitution of one known resilient retention element for another to allow for easy removal and insertion of the ink pad container in the stamp.

With respect to claim 14, note Humphries teaches a plurality of resilient retention elements arranged in successive alignment as recited.

Double Patenting

18. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

19. Claim 7 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 11 of copending Application No. 10/548745. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Note each of claims 7 and 11 recite a self-inking stamp with identical structure of a housing which has an insertion compartment with at least one insertion opening and a lower side opening, guiding and centering projections provided for the ink pad container, and at least one resilient retention element arranged in the insertion compartment.

It is noted that the only difference in language between claim 7 of the present application and claim 11 of U.S. Application No. 10/548745 is that claim 7 of the present application recites "two opposite sides of the insertion compartment" (emphasis added) while claim 11 recites "opposite sides of the insertion compartment". However, it is the

Examiner's position that the term "opposite sides" would inherently require two sides and only two sides and therefore these two claims are identical in scope and meaning.

20. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

21. Claims 1-6, 16-19, and 22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 11-16, 18-22 of copending Application No. 10/548,745. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 11 of Application No. 10/548,745 teaches a self-inking stamp comprising a housing with at least one insertion opening for an ink pad container and an opening at its lower side for the stamp unit, and guiding and centering projections provided for the ink pad container which are arranged on opposite sides of the insertion compartment in the direction of insertion.

With respect to claim 2, note claim 12 of Application No. 10/548,745.

With respect to claim 3, note claim 13 of Application No. 10/548,745.

With respect to claim 4, note claim 14 of Application No. 10/548,745.

With respect to claim 5, note claim 15 of Application No. 10/548,745.

With respect to claim 6, note claim 16 of Application No. 10/548,745.

With respect to claim 16, 19, and 22, note claim 20 of Application No. 10/548,745

teaches an ink pad container having a bottom and walls projecting therefrom, wherein the bottom is designed with a depression provided in the middle of the bottom for snapping engagement of the resilient retention element present in the insertion compartment of the self-inking stamp and lateral recesses provided on two opposite side walls which cooperate with guiding and centering projections in the insertion compartment.

With respect to claim 17, note claim 21 of Application No. 10/548,745.

With respect to claim 18, note claim 22 of Application No. 10/548,745.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

22. Claims 8-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-9 of copending Application No. 10/548,745 in view of Rushworth (US 1,085,489). Claim 2 of Application No. 10/548,745 teaches a self-inking stamp including at least one resilient retention element arranged on the upper side of the insertion compartment for resilient abutment on the ink pad container. Claim 2 of Application No. 10/548,745 fails to teach

guiding and centering projections provided for the ink pad container arranged on two opposite sides of the insertion compartment in the direction of insertion. Rushworth teach a self-inking stamp including guiding and centering projections arranged on two opposite sides of the insertion compartment is well known in the art. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the stamp of Application No. 10/548,745 with guiding and centering projections as taught by Rushworth to better guide the removable ink pad container during insertion and removal from the stamp housing.

With respect to claim 9, see claim 3 of Application No. 10/548,745.

With respect to claim 10, see claim 4 of Application No. 10/548,745.

With respect to claim 11, see claim 5 of Application No. 10/548,745.

With respect to claim 12, see claim 6 of Application No. 10/548,745.

With respect to claim 13, see claim 7 of Application No. 10/548,745.

With respect to claim 14, see claim 8 of Application No. 10/548,745.

With respect to claim 15, see claim 9 of Application No. 10/548,745.

This is a provisional obviousness-type double patenting rejection.

23. Claims 20-21 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 18-19 of copending Application No. 10/548,745 in view of Zindl et al. (WO 03/099572). Claim 18 of Application No. 10/548,745 teaches an ink pad container having a bottom and walls projecting therefrom with the bottom being designed with a depression in the form of a groove provided in the middle of the bottom and extending in the direction of

insertion of the ink pad container for snapping engagement with the resilient retention element present in the insertion compartment of the self-inking stamp. Although claim 18 does not teach the lateral recesses provided on two opposite side walls as recited, note Zindl et al. teach an ink pad container 5 for use with a self-inking stamp 1 that comprises a bottom and walls projecting away therefrom, wherein lateral recesses 37 are provided on the rim of two opposite side walls that faces away from the bottom and are adapted to cooperate with guiding and centering projections in the insertion compartment, as shown in Figure 4. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide lateral recesses in the ink pad container of claim 18 in order to allow for better guiding and positioning of the container during insertion and removal of the container to and from the stamp housing.

With respect to claim 21, note claim 19 of Application No. 10/548,745.

This is a provisional obviousness-type double patenting rejection.

Conclusion

24. The art made of record and not relied upon is considered pertinent to applicant's disclosure. Moody (US 7,086,331 B2), Huang (US 6,877,426 B1), Garvey (US Re. 24,029), and Edgerton (US 1,508,598) each teach a self-inking hand stamp with a removable ink pad container having obvious similarities to the claimed subject matter.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leslie Evanisko
Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
December 8, 2006